



05/20/05

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Docket No.: 042390P12647  
Express Mail No.: EV 372844265US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

**Scott Sibbett**

Serial No.: 10/024,674

Filed: December 17, 2001

For: MATERIALS CLASSIFIER, METHOD OF  
MAKING, AND METHOD OF USING

Examiner: Diamond, Alan D.

Art Group: 1753

**PETITION TO REVIVE ABANDONED APPLICATION**

Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicant respectfully requests the following Petition to Revive the above-entitled unintentionally abandoned application pursuant to 37 C.F.R. §1.137 be considered. Filed concurrently herewith is a Continuing Application. The Commissioner is hereby authorized to charge all required fees associated with the filing submitted herewith to Deposit Account No. 02-2666.

**PETITION TO REVIVE**

By this petition, Applicant requests that the above-entitled abandoned application be revived. A Notice of Abandonment was sent on 2/18/2005.

The entire delay in filing the required reply, a response to Examiner Diamond's Office Action dated 7/22/2004, from the due date for the reply until the filing of a grantable petition within the statutory time period was unintentional. The 7/22/2004 Office Action was sent in between the time the file was transferred from the Schwegman, Lundberg, Woessner, Kluth law firm and the time that the change of correspondence address and revocation of power of attorney was filed with the Patent Office. A copy of the Office Action was not subsequently received by the current prosecuting attorney. The prosecuting attorney was unaware that an Office Action was outstanding until after the period for reply had expired.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: May 18, 2005

By:   
Farzad E. Amini, Reg. No. 42,261



## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|  |   |                        |                   |
|--|---|------------------------|-------------------|
|  |   | Application No.        | 10/024,674        |
|  |   | Filing Date            | December 17, 2001 |
|  |   | First Named Inventor   | Scott Sibbett     |
|  |   | Art Unit               | 1753              |
|  |   | Examiner Name          | Diamond, Alan D.  |
| Total Number of Pages in This Submission | 6 | Attorney Docket Number | 42390P12647       |

### ENCLOSURES (check all that apply)

|  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><br><input checked="" type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment / Response<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> PTO/SB/08<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Basic Filing Fee<br><input type="checkbox"/> Declaration/POA<br><br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input checked="" type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert a Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group<br><br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">             Return Receipt Postcard<br/>             (Filed Concurrently w/ Continuation Application - P12647C)           </div> |
| <small>Remarks</small><br><b>PETITION TO REVIVE ABANDONED APPLICATION</b>  |  |   |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |  |
|-------------------------|--|
| Firm or Individual name | Farzad E. Amini, Reg. No. 42,261<br><br>BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP |
| Signature               |  |
| Date                    | May 18, 2005   |

### CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that on the date shown below this correspondence is being transmitted via Express Mail (EV 372844265US) in an Express Mail envelope to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

|                       |                   |
|-----------------------|-------------------|
| Typed or printed name | Margaux Rodriguez |
| Signature             |                   |
| Date                  | May 18, 2005      |



# FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

*Complete if Known*

|                      |                   |
|----------------------|-------------------|
| Application Number   | 10/024,674        |
| Filing Date          | December 17, 2001 |
| First Named Inventor | Scott Sibbett     |
| Examiner Name        | Diamond, Alan D.  |
| Art Unit             | 1753              |
| Attorney Docket No.  | 42390P12647       |

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

1,500.00

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayment of fee(s)  Credit any overpayments

under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

## FEE CALCULATION

### Large Entity      Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051     | 130      | 2051     | 65       | Surcharge - late filing fee or oath                              |          |
| 1052     | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet.          |          |
| 2053     | 130      | 2053     | 130      | Non-English specification  |          |
| 1251     | 120      | 2251     | 60       | Extension for reply within first month                           |          |
| 1252     | 450      | 2252     | 225      | Extension for reply within second month                          |          |
| 1253     | 1,020    | 2253     | 510      | Extension for reply within third month                           |          |
| 1254     | 1,590    | 2254     | 795      | Extension for reply within fourth month                          |          |
| 1255     | 2,160    | 2255     | 1,080    | Extension for reply within fifth month                           |          |
| 1401     | 500      | 2401     | 250      | Notice of Appeal   |          |
| 1402     | 500      | 2402     | 250      | Filing a brief in support of an appeal                           |          |
| 1403     | 1,000    | 2403     | 500      | Request for oral hearing   |          |
| 1451     | 1,510    | 2451     | 1,510    | Petition to institute a public use proceeding                    |          |
| 1460     | 130      | 2460     | 130      | Petitions to the Commissioner                                    |          |
| 1807     | 50       | 1807     | 50       | Processing fee under 37 CFR 1.17(q)                              |          |
| 1806     | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                        |          |
| 1809     | 790      | 1809     | 395      | Filing a submission after final rejection (37 CFR § 1.129(a))    |          |
| 1810     | 790      | 2810     | 395      | For each additional invention to be examined (37 CFR § 1.129(b)) |          |

Other fee (specify) Petition to Revive Unintentionally Abandoned Application

1,500.00

SUBTOTAL (2) (\$)

1,500.00

*Complete (if applicable)*

|                   |                 |                                      |        |           |                |
|-------------------|-----------------|--------------------------------------|--------|-----------|----------------|
| Name (Print/Type) | Farzad E. Amini | Registration No.<br>(Attorney/Agent) | 42,261 | Telephone | (310) 207-3800 |
| Signature         |                 |                                      |        | Date      | 05/18/05       |